REMARKS

The Final Office Action dated May 4, 2005 contained a final rejection of claims 1-20. The Applicant has amended claims 1, 5, 8, 12, 15, 18 and 20. Claims 1-20 are in the case. Please consider the present amendment with the attached Request for Continued Examination (RCE) under 37 C.F.R. § 1.114. This amendment is in accordance with 37 C.F.R. § 1.114. Reexamination and reconsideration of the application, as amended, are requested.

The Office Action rejected claims 1-20 under 35 U.S.C. § 112, second paragraph.

In response, the Applicants have amended claims 8, 12, 18, and 20 as suggested by the Examiner to overcome this rejection.

The Office Action rejected claims 1-20 under 35 U.S.C. § 103(a) as being unpatentable over Phillips (U.S. Patent No. 6,748,195 B1) in view of Hall et al. (U.S. Patent No. 6,230,004 B1).

The Applicants respectfully traverse this rejection based on the amendments to the claims and the arguments below.

The Applicants submit that Phillips in combination with Hall et al. do not disclose, teach, or suggest all of the claimed features of the amended claims. Namely, Phillips combined with Hall et al. do **not** disclose the Applicants' claimed decision matrix that **permits the wireless devices to act as one**, through a distributed network and is comprised of a task-prioritized list of currently available resources and address of associated electronic devices that have available resources.

For example, as pointed out by the Examiner, Hall et al. disclose "...if the mobile communication device determines that adequate resources are not available for performing the data processing operation within the mobile communication device, the mobile communication device sending to an external data processing resource a command for the data processing operation, including using Short Message Service to transmit the command from the mobile communication device through the wireless telecommunications network to the external data processing resource..."

However, Hall et al. in combination with Phillips do not disclose a device like the Applicants' decision matrix that permits numerous wireless devices to act as one through a distributed network. In addition, Hall et al. in combination with Phillips do not disclose the Applicants' decision matrix that is comprised of a **task-prioritized list** of

currently available resources and address of associated electronic devices that have **available resources**.

In particular, unlike the combination of Phillips with Hall et al., in the Applicants' claimed invention, after the wireless network is formed, a decision matrix stores within each wireless device unique identification of each wireless device and available resources within that device to automatically enable one of the wireless devices to borrow the available resources when an event occurs with one of the devices that it cannot handle with its own resources.

Further, even though the combined references do not disclose, teach or suggest all of the Applicant's features, Phillips **cannot be** combined with Hall et al. because Phillips teaches away from the Applicants' claimed invention. This is because Phillips discloses "...based on a profile associated with a location, the wireless device can change its operational behavior relative to sharing resources with other devices...", Phillips continues to disclose that "...[A] *controller*, that has access to the profile parameters, *changes the operation behavior of the wireless device* in accordance with a profile ..." (see Abstract, FIGS. 1-3 and col. 3, lines 10-18 of Phillips), which is the opposite of the Applicants' claimed invention. [*emphasis added*]. Since Phillips requires the controller to change the operational behavior of the wireless device, the system in Phillips would **not allow** a decision matrix to automatically enable one of the wireless devices to borrow available resources of another if it cannot handle an event with its own resources, like the Applicants' claimed invention.

Consequently, the purposes, objectives, and intended function of Phillips would be destroyed if a decision matrix to automatically enable one of the wireless devices to borrow available resources of another were used, like in the Applicants' claimed invention. Thus, since the Phillips reference teaches away from the Applicants' claimed invention, it cannot be used as a reference. It is well settled that when a teaching away exists, the references **should not** and **cannot** be considered together. ACS Hospital Systems, Inc. v. Montefiore Hospital, 732 F.2d 1572, 1577, 221 USPQ 929, 933 (Fed. Cir. 1984). Thus, this "teaching away" prevents obviousness from being established. In addition, the **failure** of the cited references, either alone or in combination, to disclose, suggest or provide motivation for the Applicant's claimed invention also indicates a lack of a prima facie case of obviousness. W.L. Gore& Assocs. V. Garlock, Inc., 721 F.2d 1540, 220 USPQ 303

(Fed. Cir. 1983). In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). Accordingly, the combined cited references cannot render the Applicant's invention obvious. (MPEP 2143).

Therefore, since the claimed elements are not disclosed, taught or suggested by Phillips alone or in combination with Hall et al., and because Phillips teaches away from the Applicants' invention, the combined references cannot be used to render the claims obvious, which indicates a clear lack of a prima facie case of obviousness (*MPEP 2143*).

With regard to the rejection of the dependent claims, because they depend from the above-argued respective independent claims, and they contain additional limitations that are patentably distinguishable over the cited references, these claims are also considered to be patentable (MPEP § 2143.03).

Thus, it is respectfully requested that all of the claims be allowed based on the amendments and arguments. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. Additionally, in an effort to further the prosecution of the subject application, the Applicant kindly **requests** the Examiner to telephone the Applicants' attorney at **(818) 885-1575**. Please note that all mail correspondence should continue to be directed to

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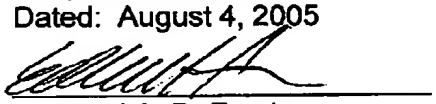
Respectfully submitted,
Dated: August 4, 2005



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